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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20277 7590 12/10/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
VAUGHN, GREGORY J				
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2178				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,334

Applicant(s)

TRAVIESO ET AL.

Examiner

GREGORY J. VAUGHN

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49, 51-61, 63-70 and 72-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49, 51-61, 63-70 and 72-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Action Background

1. This action is responsive to the Request for Continued Examination, filed on 11/19/2008.
2. Applicant has amended claims 49, 60, 61, 70, 74, 83, 84 and 85, and canceled claims 50, 62 and 71. Claims 1-48 were previously canceled.
3. Claims 49, 51-61, 63-70 and 72-85 are pending in the case, claims 49, 60, 61, 70, 74 and 83-85 are independent claims.
4. The rejection of claims 50, 62 and 71, rejected as described in the office action dated 12/13/2007, is withdrawn in view of the canceled claims.

Priority

5. As previously noted, applicant's claim for domestic priority of US provisional application 60/449,571 filed 2/21/2003, under 35 U.S.C. 119(e) is acknowledged.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

“The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.”

7. Claims 49, 51-61, 63-70 and 72-85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
8. **Regarding claim 49**, the amendment filed 11/19/2008 adds the following limitations: *“in order to size the content for language translation”* (fourth limitation). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.
9. **Regarding claims 51-61, 63-70 and 72-85**, the claims are rejected for incorporating the same defect as mentioned in the previous paragraph related to claim 49.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 49, 51-61, 63-70 and 72-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz US Patent 6,526,426, filed 1/28/1999, patented 2/25/2003 (hereinafter Lakritz) in view of McCoskey et al., US Publication 2003/0028889, filed 8/3/2001, published 2/6/2003 (hereinafter McCoskey).
12. **Regarding independent claim 49**, Lakritz is directed toward a language translation management system that provides: *"an intuitive user interface for managing document content translation for multilingual Internet Web sites, documents, data streams, and non-text files"* (column 3, lines 18-20). Lakritz discloses accessing content in a first language, including content retrieved by following a link contained in web content. Lakritz recites: *"The Manager's Console provides "one-touch" translation, whereby at the click of a button, documents from any source requiring translation are converted to the internal format 703, staged down the Workflow Pipeline 704 then dynamically routed and sequenced to the individual Translation Resources where the actual translation is performed.*

Documents may be Web based and non-Web based and may also contain non-text elements. The documents may contain or refer to additional dependent components such as graphics, audio, video, and other multi-media elements" (column 8, lines 8-17). Lakritz discloses parsing the content into components. Lakritz recites: *"The parser converts the document into the internal format"* (column 10, lines 14-15). See also Lakritz's Figures 9 and 10, where the workflow pipeline is disclosed. The parser is disclosed at reference sign 903, where translatable components are routed to the translation resource. The translatable components are shown as *"Work Packet"* in Figure 10. Lakritz discloses generating statistics based on the translatable components at reference sign 1005, shown as *"Update work packet's status and control information"*.

Lakritz discloses determining whether there exists at least one of the translatable components that do not have a corresponding translated component. Lakritz recites: *"Documents that need to be translated ... are sent to Translation Queues 804"* (column 9, lines 1-3).

Lakritz discloses using statistics to size the amount of content subject to language translation. Lakritz recites: *"Documents that need to be translated are extracted from the language and country databases and file systems 808 and are sent to Translation Queues 804. The Project Analyzer module 806 receives project components, in the form of documents and other electronic content from the Translation Queues 804 and analyzes the project in sufficient detail to determine project cost and resource requirements. The Project Analyzer module 806 waits until*

all elements of a project have been received. It then sends the Scheduler module 805 a description of the project and instructs the Scheduler module 805 to begin the project. Typically, the Project Analyzer module 806 works with the Accounting Manager module 809 to generate a project cost estimate prior to beginning the project" (column 9, lines 1-14).

Lakritz discloses accessing content by following a link contained in web content, as described above. Lakritz fails to disclose crawling a web site via following links to additional pages. McCoskey is directed toward crawling the internet to access content. McCoskey recites: *"A remote content crawler continually crawls the digital communication network looking for content to provide to the aggregator"* (paragraph 22). It is well known that an internet crawler follows links to additional pages to visit ever possible web page and content. McCoskey indicates that language translation is an element of the invention. McCoskey recites: *"In yet another embodiment, the search request processor 303 also maintains lexicons for chosen non-English languages and will have the capability to perform language translation of search criteria"* (paragraph 95).

Therefore it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use a web crawler to access content, as taught by McCoskey, to access all content for the language translation of Lakritz in order to provide *"a system for searching, packaging and delivering content"* (McCoskey, abstract).

13. **Regarding claim 51**, Lakritz discloses human translation. Lakritz recites: "*These translation resources include both automated translation tools as well as human translators*" (column 2, lines 34-36).
14. **Regarding claim 52**, Lakritz discloses placing translatable components into a translation list in Figure 6 at reference signs 602 and 604 (shown as a "*Translation Queues*" and "*Workflow Pipeline*").
15. **Regarding claim 53**, Lakritz discloses at least two different languages, where the languages are at least English or French in Figure 12 at reference signs 1210 and 1211.
16. **Regarding claim 54**, Lakritz discloses accessing web content in a first language from a source in a first language. Lakritz recites: "*When a document is requested in a particular language, WebPlexer will go to that cell of the matrix and try to retrieve the corresponding document*" (column 36, lines 28-30) and "*This application integrates a machine translator in the end user's Web browser*" (column 1, lines 24-25).
17. **Regarding claim 55**, Lakritz discloses the components as at least a text segment. Lakritz recites: "*The invention utilizes an intuitive user interface for managing document translation for multilingual Internet Web sites, documents, data streams, and non-text files*" (column 2, lines 12-14).

18. **Regarding claim 56**, Lakritz discloses generating a unique identifier for each of the components. Lakritz recites: *"The master language is used to index into the TermDB using a key. The key is obtained from the string contained between <!-- WPreplaceBegin -- > and <!-- WPreplaceEnd .fwdarw. >;tags"* (column 27, lines 13-15). As is well known in the database art, indexes and keys are used as unique identifiers within a database. Lakritz discloses storing the component and the unique identifier together. Lakritz recites: *"The Web server stores all of the translated Web pages locally"* (column 1, lines 32-33).
19. **Regarding claim 57**, Lakritz discloses the use of mathematical algorithm for generating a unique identifier. As described above Lakritz discloses the use of indexes and keys. Indexes are implemented with a scalar value where an offset amount is used to identify subsequent indices. An offset amount used with a scalar value is a mathematical algorithm.
20. **Regarding claim 58**, Lakritz discloses the statistics as at least a text segment count as described above.
21. **Regarding claim 59**, Lakritz discloses parsing as described above. It is well known in the markup language arts that parsing is based upon the markup language tags.
22. **Regarding claims 60 and 63-74 and 79**, the claims are directed to a method, system and medium for the method of claims 49 and 51-59, and are rejected using the same rationale.

23. Regarding claims 75-77, Lakritz discloses the use of tracking information.

Lakritz recites: *"It would further be advantageous to provide a translation management system that allows the user to easily manage, schedule, and track translation resources and the content that are sent to the translation resources, thereby enhancing the maintainability of the system as a whole"* (column 2, lines 3-9). Lakritz discloses using state and session information. Lakritz recites: *"In the following description, the term "session" refers to a logical grouping of requests between browser and WebPlexer. A session begins with the browser making a request for the top-level URL. It ends with the final response being sent from WebPlexer to the browser. A session can have any number of request/response pairs between these two endpoints. A session has a state associated with it. Included in this state are the country and language of the requester"* (column 22, lines 44-53).

24. Regarding claim 78, Lakritz discloses using an HTML form. Lakritz recites: *"The Visitor module intercepts input text that is submitted using an HTML form (e.g., a customer feedback form), and writes it into a form database 205"* (column 4, lines 12-14).

25. Regarding claims 80-82, Lakritz discloses processing image files. Lakritz recites: *"Another application of MLSSI is to include language-specific graphics or image maps within a template file"* (column 39, lines 20-21).

26. **Regarding independent claims 83-85**, the claims are directed toward a method, system and machine-readable medium for the method of claim 49, and are rejected using the same rationale.

Response to Arguments

27. Applicant's arguments, filed 10/3/2008, with respect to claims 49, 51-61, 63-70 and 72-85 have been considered but are not persuasive.
28. Applicant argues that the cited references fail to disclose: *"determining whether there exists at least one of the translatable components that does not have a corresponding translated component". That is, it is determined which portion(s) of the accessed remote content has not been translated"* (page 11, last paragraph, to page 12, first paragraph, of the response submitted 10/3/2008). Applicant is directed toward the rejection of claim 49, as described above. It should be noted that the *"at least one"* aspect of the claim can include *"all"* components. As noted above Lakritz discloses determining if the document needs to be translated.

Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178

/Gregory J. Vaughn/

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Patent Examiner
December 4, 2008